

6-A

**CITY OF NEWARK
DELAWARE
CITY COUNCIL
PUBLIC HEARING
NOTICE**

June 13, 2011 - 7:00 P.M.

Pursuant to Section 402.2 of the City Charter of the Code of the City of Newark, Delaware, notice is hereby given of a public hearing at a regular meeting of the Council in the Council Chamber at the Municipal Building, 220 Elkton Road, Newark, Delaware, on June 13, 2011 at 7:00 p.m., at which time the Council will consider for Second Reading and Final Passage the following proposed Ordinances:

- ✓ Bill 11-09 An Ordinance Amending Ch.22, Police Offenses, Code of the City of Newark, Delaware, By Increasing the Mandatory Fine When the Victim is a Law Enforcement Officer
- Bill 11-10 An Ordinance Amending Ch. 22, Police Offenses, Code of the City of Newark, Delaware, By Prohibiting the Discharge of a Paintball Gun within the City Limits

Patricia M. Fogg, CMC
City Secretary

/ts

Advertised: Newark Post – June 3, 2011

BILL NO. 11-09

1st Reading 5/23/11

2nd Reading _____

**CITY OF NEWARK
DELAWARE**

ORDINANCE NO. 11 - ____

An Ordinance Amending Chapter 22, Police Offenses,
Code of the City of Newark, Delaware, By Increasing
the Mandatory Fine When the Victim is a Law
Enforcement Officer

THE COUNCIL OF THE CITY OF NEWARK HEREBY ORDAINS:

That Chapter 22, Police Offenses, Code of the City of Newark, Delaware,
be hereby amended in the following respect:

AMENDMENT 1. Amend Sec. 22-66, Offensive Touching, by deleting in its
entirety, which reads as follows:

"A person is guilty of offensive touching when he intentionally touches
another person, either with a member of his body or with any instrument,
knowing that he is thereby likely to cause offense or alarm to such
person."

and inserting the following new language:

"(a) A person is guilty of offensive touching when he intentionally
touches another person, either with a member of his body or with any
instrument, knowing that he is thereby likely to cause offense or alarm to
such person or intentionally strikes another person with saliva, urine,
feces or any other bodily fluid, knowing that the person is thereby likely to
cause offense or alarm to such other person.

(b) When the victim of this offense is acting in the lawful performance
of the victim's duty as one of the following: law enforcement officer,
medical professional, ambulance attendant, emergency medical
technician, volunteer firefighter or full-time firefighter, the defendant shall
be fined not less than \$300.00, and/or imprisoned for a period of up to 30
days. The minimum fine required under this subsection shall not be
suspended."

MOTION for Acceptance as First Reading on May 23, 2011,

By Council Member Markham.

Second Reading and Final Passage on _____, 2011.

VOTE: _____ to _____.

Mayor

Attest:

City Secretary

Approved as to Legality & Form:

City Solicitor

**CITY OF NEWARK
DELAWARE**

CITY SOLICITOR'S OFFICE

May 12, 2011

TO: Mayor and Council
FROM: Bruce C. Herron, City Solicitor *BCH*
RE: Ordinance 22-66
Offensive Touching Against a Law Enforcement Officer

During a discussion with Sgt. Rieger he noted that State law provides for enhanced penalties for Offensive Touching against a law enforcement officer. The comparable provision in our Code contains only a general provision for Offensive Touching. The proposed amendment adds a new provision which would result in an increased mandatory fine when the victim is a law enforcement officer.

BCH:av
cc: Chief Paul Tiernan, NPD
Sgt. Scott Rieger, NPD